

RANDALL P. MROCZYNSKI
[State Bar No. 156784]
**COOKSEY, TOOLEN, GAGE,
DUFFY & WOOG**
535 Anton Boulevard, Tenth Floor
Costa Mesa, California 92626-1977
(714) 431-1100; FAX: (714) 431-1145

Attorneys for Movant,
CAB WEST LLC

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

In re

PIERCE CONTRACTORS, INC.,

Debtor.

CAB WEST LLC,

Movant.

vs.

PIERCE CONTRACTORS, INC.,

Respondents.

Case No. 20-50182

Chapter 11

RS No: RPM-82

**STIPULATION TO WITHDRAW
MOTION FOR RELIEF FROM THE
AUTOMATIC STAY**

Date: May 28, 2021
Time: 10:00 a.m.
(Hearing to be held via tele/videoconference)

Debtor, PIERCE CONTRACTORS, INC. (hereinafter "Debtor"), by and through its attorney of record, The Mlnarik Law Group, Inc. by William W. Winters, Esq. and Creditor, CAB WEST LLC ("Movant") by and through its counsel of record, Cooksey, Toolen, Gage, Duffy & Woog by Randall P. Mroczynski, Esq. hereby submit the following stipulation:

WHEREAS, Debtor commenced this case by filing a petition under Chapter 11 of the United States Bankruptcy Code on January 31, 2020;

1 WHEREAS, pre-petition Debtor entered into a Motor Vehicle Lease Agreement (the "Lease")
2 with Movant for the lease of a 2018 Ford Fusion, VIN: 3FA6P0SU6JR161806 (the "Vehicle");

3 WHEREAS, on March 19, 2021 Movant filed a Motion for Relief from Stay (the "Motion")
4 as to the Vehicle [Dkt. No. 79] on the grounds that the Lease had matured post-petition;

5 WHEREAS, Debtor appeared by counsel at the April 16, 2021 preliminary hearing on the
6 Motion at which time the preliminary hearing was continued by the Court;

7 WHEREAS, since April 16, 2021 the Debtor has exercised the Lease's purchase option.

8 WHEREAS, by this Stipulation the parties wish to withdraw the Motion current set for
9 continued preliminary hearing on May 28, 2021.

10 NOW, WHEREFORE, in consideration of the above recitals, the sufficiency of which is
11 hereby acknowledged,

12 IT IS HEREBY STIPULATED by and between the parties as follows:

13 1. Upon entry of an Order Approving this Stipulation, Movant's Motion shall be deemed
14 withdrawn.

15
16 DATED: May 24, 2021

COOKSEY, TOOLEN, GAGE, DUFFY & WOOG

17 By: 

RANDALL P. MROCZYNSKI
Attorneys for Movant
CAB WEST LLC

18
19
20 DATED: May , 2021

THE MLNARIK LAW GROUP, INC.

21
22 By: See Attached Page

WILLIAM W. WINTERS
Attorneys for Debtor
PIERCE CONTRACTORS, INC.

1 WHEREAS, pre-petition Debtor entered into a Motor Vehicle Lease Agreement (the "Lease")
2 with Movant for the lease of a 2018 Ford Fusion, VIN: 3FA6P0SU6JR161806 (the "Vehicle");

3 WHEREAS, on March 19, 2021 Movant filed a Motion for Relief from Stay (the "Motion")
4 as to the Vehicle [Dkt. No. 79] on the grounds that the Lease had matured post-petition;

5 WHEREAS, Debtor appeared by counsel at the April 16, 2021 preliminary hearing on the
6 Motion at which time the preliminary hearing was continued by the Court;

7 WHEREAS, since April 16, 2021 the Debtor has exercised the Lease's purchase option.

8 WHEREAS, by this Stipulation the parties wish to withdraw the Motion current set for
9 continued preliminary hearing on May 28, 2021.

10 NOW, WHEREFORE, in consideration of the above recitals, the sufficiency of which is
11 hereby acknowledged,

12 IT IS HEREBY STIPULATED by and between the parties as follows:

13 1. Upon entry of an Order Approving this Stipulation, Movant's Motion shall be deemed
14 withdrawn.


15 DATED: May , 2021

COOKSEY, TOOLEN, GAGE, DUFFY & WOOG

17 By: _____
18 RANDALL P. MROCZYNSKI
19 Attorneys for Movant
CAB WEST LLC

20 DATED: May 24 , 2021

THE MLNARIK LAW GROUP, INC.

21 By:  _____
22 WILLIAM W. WINTERS
23 Attorneys for Debtor
24 PIERCE CONTRACTORS, INC.